

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

SCRIPPS MEDIA, INC.,

Plaintiff,

vs.

CETUS CORPORATION,

Defendant.

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Case No. 1:21-cv-790

Judge Jeffery P. Hopkins

ORDER

Pending before the Court is Plaintiff Scripps Media, Inc.’s Motion for Default Judgment (Doc. 11). Plaintiff’s motion, however, is premature because the record reflects that Plaintiff has not obtained an entry of default as contemplated by Fed. R. Civ. P. 55(a).

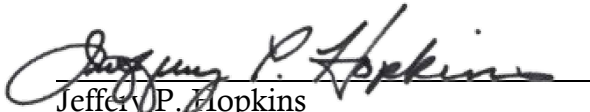
There is a two-step sequential process for obtaining a default judgment. *See Allied Consol. Enters. v. Aladwan*, No. 2:20-cv-4561, 2021 WL 1572291, *2 (S.D. Ohio April 22, 2021). First, a party must apply for an entry of default from the clerk. *See* Fed. R. Civ. P. 55(a) (“When a party against whom a judgment is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.”). Then, after a party obtains an entry of default, the party may request that default judgment be entered. Fed. R. Civ. P. 55(b); *Weiss v. St. Paul Fire & Marine Ins., Co.*, 283 F.3d 790, 794 (6th Cir. 2022) (“Rule 55 permits the clerk to enter default when a party fails to defend an action as required. The court may *then* enter a default judgment.”) (emphasis added).

Plaintiff failed to obtain an entry of default from the clerk under Fed. R. Civ. P. 55(a) before filing its motion for default judgment under Fed. R. Civ. P. 55(b). *See Raja v. Napolitano*,

No. 2:13-cv-11, 2013 WL 12130335, at *1 (S.D. Ohio Sept. 17, 2013) (“An entry of default as provided in Fed. R. Civ. P. 55(a) is a *prerequisite* to obtaining a default judgment under Fed. R. Civ. P. 55(b).”) (emphasis in original). Accordingly, Plaintiff’s Motion for Default Judgment (Doc. 11) is **DENIED** without prejudice.

IT IS SO ORDERED.

September 1, 2023


Jeffrey P. Hopkins
United States District Judge